

Serial No.: 09/874,042
Filed: June 6, 2001
Art Unit: 3628

REMARKS/ARGUMENTS

Claims 1-3, 6, 9-16, and 18-29 are pending in this application. By this amendment, claims 1, 16, and 24 have been amended. Claims 26-29 have been cancelled without prejudice.

The Examiner has rejected claims 1-3, 6, 9, 11, 14, 16, 18-21, 24, and 26-29 under 35 U.S.C. 103(a) as being obvious based on Marcous et al. (U.S. Patent No. 5,650,604) in view of Cuervo (U.S. Patent No. 6,105,009). Other claims have been rejected over Marcous and Cuervo in view of additional references.

The Examiner has indicated that Marcous discloses the dispensing of cash and that Cuervo discloses the dispensing of new debit cards. The Examiner has further taken Official Notice that the charging of existing financial cards is well known. Applicant respectfully submits that if the charging of existing financial cards is old and well known, the Examiner should be able to provide examples of such a system and respectfully requests such evidence. Applicant submits that, while such systems may have become popular recently, they were not old and well known at the appropriate date, particularly, in the context of the present claims, in which the user of the existing financial card remains anonymous.

Applicant submits that Marcus teaches a system in which a recipient of funds does not have a card and receives cash. (see col. 4, lines 22-29 and col. 8, lines 13-20).

In Cuervo, although a debit card is dispensed from an ATM rather than cash, Applicant submits that Cuervo does not teach or suggest the dispensing of funds to an existing card. Applicant submits that this is because Cuervo, like others, focuses on the conventional idea of having an account for the person that is then linked to the card. For example, in col. 2, lines 50-58, Cuervo discusses the possibility that several debit cards could be linked to the same line of credit. Therefore, instead of acting as a cash equivalent, the debit cards issued by Cuervo actually represent the means to access the funds in a particular account linked to the person rather than to the debit card itself.

Applicant submits that even if Cuervo were to be combined with Marcus, one would not arrive at what is claimed in the amended claims. The combination of Marcus with Cuervo would at best teach a system in which a different debit card is issued to a recipient for each funds transfer.

By contrast, in an embodiment of the present application, funds may be transferred from a sender's card to a recipient's card to recharge it, while the recipient may be and

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remains anonymous to financial institutions. Further, the sender may also be anonymous. For example, the sender could initiate the transfer by depositing cash. The recipient could collect the transferred funds via an existing financial card by giving only a valid response to the verification ID protocol. There is no need to receive a new or a plurality of debit cards or to have an active account at a bank, credit union or other similar financial institution.

For the recipient there are advantages to having a single financial card that can be recharged and to not needing a bank account linked to the financial card. For instance, application for a card may be fast and efficient, whereas a bank account requires approval and the submission of a great deal of personal information. Carrying a single card reduces the need to remember the amount of funds that may be on a given card. Financial accounts typically issue periodic statements, necessitating the user to keep his/her address up to date, which may be difficult for some. Also, such a card offers increased privacy and anonymity, where purchases may be made without being disclosed in a statement, such as a credit card or debit card would require.

Applicant submits that the present application provides an inventive system offering benefits over Marcous and over the known debit cards of Cuervo.

Claims 1, 16 and 24 have been amended to clarify aspects of embodiments in the

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present application. Applicant submits that the references alone or in combination, do not teach or suggest at least the element of "dispensing said predetermined amount of funds to the recipient via an existing financial card, wherein the recipient having the financial card is anonymous", as variously claimed in amended claims 1, 16 and 24.

Based on the foregoing, Applicant submits that claims 1, 16 and 24 are in condition for allowance. Claims 2, 3 , 6 and 9-15, 18-23, and 25 depend from one of claims 1, 16, and 24 and for at least similar reasons, as well as the additional elements included therein, are also believed to be in condition for allowance.

Conclusion:

In view of the foregoing amendments and remarks it is respectfully submitted that this application is in condition for allowance. Favourable consideration and prompt allowance are earnestly solicited.

Respectfully submitted,



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